

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14521, as amended, of 1310 19th Street Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of the subject premises for SP office use in an SP-2 District at premises 1310 - 19th Street, N.W., (Square 115, Lot 64).

HEARING DATE: November 19, 1986
DECISION DATE: December 3, 1986

FINDINGS OF FACT:

1. As a preliminary matter, the applicant moved to amend the application to include all SP office uses. The application, originally filed by the former applicant, sought special exception approval for law office use of the building. The successor applicant notified by mail all those entitled to receive written notice pursuant to the Rules of Practice and Procedure of its desire to amend the application to request a consideration by the Board of all SP uses permitted under Paragraph 4101.44 of the Zoning Regulations. Copies of the notice were also sent to ANC 2B, the Dupont Circle Citizens Association and the Residential Action Coalition. The applicant seeks relief under the same section of the Zoning Regulations as in the original application. All interested parties were given 30 days' written notice of the applicant's intent to amend the application. The applicant also submitted for the record, 30 days prior to the hearing, a letter which notified the Board of its proposed amendment to the application. Based upon the foregoing, the Board granted applicant's motion to amend the original application.

2. The site is located on the west side of Nineteenth Street, between Sunderland Place to the north and N Street to the south and is known as 1310 19th Street, N.W. (Square 115, Lot 64). The property is located in an SP-2 District.

3. The subject site is rectangular in shape and has a land area of 1,390 square feet. The site has a width of 20 feet and a depth of 69.50 feet. The site is presently improved with a 3 story with basement brick row building. The total gross floor area of the building is approximately 6,200 square feet with approximately 5,000 square feet of net usable area. The structure is currently vacant and was

last used as a museum and gallery for antique books, with incidental sales. The structure has been used for non-residential purposes for at least 20 years.

4. The applicant proposes to occupy the building for SP office use. The applicant intends at this time to lease the space to its law firm for occupancy of the building. Full occupancy of the building by the law firm is not anticipated for several years. The applicant would like the flexibility to lease any unused space for other compatible SP office uses.

5. The Board of Zoning Adjustment has the authority to grant a special exception for office use in an SP-2 District pursuant to Sub-section 8207.2 and Paragraph 4101.44 of the Zoning Regulations.

6. The SP District in which the site is located immediately abuts a C-3-C District to the north, east and south, with an R-5-B District two blocks to the west. The structure is one of nine turn-of-the century contiguous row structures on the west side of 19th Street and the south side of Sunderland Place. Eight of those nine buildings have a long history of non-residential use. A building occupied by Temporaries, Inc. abuts the property to the south and a building used for a residence abuts the property to the north. The building at the corner of 19th Street and Sunderland Place is used for offices. To the west of the property is a three foot wide north-south pedestrian alley with a rowhouse used for offices directly across the alley. To the west of the site, on the south side of Sunderland Place, are five row buildings, occupied as offices since the 1960's. To the east of the subject site across 19th Street is an eight story office/retail building, located in the C-3-C District.

7. The neighborhood in which the site is located contains a variety of uses, the predominant of which is office use.

8. The uses in the surrounding area are as follows:

- (a) South of the site along the west side of 19th Street just north of N Street is an eight story SP office building, with the three story national headquarters of the Defenders of Wildlife to the south of N Street. Further south, in the C-3-C District, are several eight and nine story office buildings with ground level retail uses.
- (b) To the north of the site on 19th Street across Sunderland Place, is a nine story office building, a 12 story office building approved as a PUD (with retail and a parking garage

below ground and a restaurant on the ground level), and the eight story Euram Building with a restaurant on the ground level.

- (c) Directly east of the subject site across 19th Street between N Street and Dupont Circle is the 8 story International Association of Machinists office building (approved as a PUD) with various ground level retail uses. Immediately north of this building is an eleven story office building, known as the Dupont Circle Building, which is currently under renovation for office and retail uses.
- (d) South of N Street on the east side of 19th Street, in the C-3-C District, is an 8 story office building, with two restaurants, and a 3 story office building. Further south along 19th Street just north of M Street is a four-story office building and the three story Flaps restaurant.

9. The design of the building -- which includes bay windows, high ceilings, a grand entranceway, and a distinctive facade -- is in keeping with the character of other townhouses along 19th Street, Sunderland Place and Jefferson Place. No exterior alterations are proposed and signage on the building will be limited to the size of a plaque not to exceed 144 square inches.

10. The interior layout of the building will accommodate approximately 17 employees. The applicant has already contracted for two monthly parking spaces for its proposed occupancy, and it has contracted with a neighbor to share their trash facilities.

11. The applicant's expert traffic witness testified that the proposed use of the site was an appropriate use of the property from a traffic engineering viewpoint and that it would not create adverse traffic conditions. The witness testified that the site is well served by public transportation. It is less than one block from the Dupont Circle Metrorail station and 18 Metrobus routes pass within one block of the site. The witness further testified that, based on the excellent public transportation in the area and the proposed occupancy of the building, it is expected that not more than 10 percent of the employees would drive automobiles to work. The expert concluded that this is equivalent to a demand for two parking spaces.

12. The report of the applicant's expert traffic witness indicated that there is no parking on the site, nor could any be located on the site due to the configuration of the existing improvements. There is no curb cut in the front of the property, and rear access to the site is available only through a narrow pedestrian alley. The expert testified

that the parking needs generated by the proposed use can be adequately served by using any of the four commercial parking facilities in the immediate area that are within a short distance from the site, and which have monthly vacancies, or by using the metered spaces on Sunderland Place, 19th Street and N Street, N.W. Visitors to the site would also have adequate parking space available within convenient walking distance of the building. The report of the expert concluded that the impact of the proposed use on traffic operating conditions would be imperceptible. The Board concurs.

13. The Office of Planning (OP), by memorandum dated November 12, 1986, and through testimony at the public hearing, recommended approval of the application. OP reported that the applicant's intended use of the property is in harmony with the office use existing on the neighboring properties. The site abuts similarly constructed and occupied structures in the SP-2 District and neighbors' larger scale office development in the adjoining C-3-C District. The OP report also states that the proposed use of the property would create no objectionable traffic impact in the area. The report indicates that an SP-2 office building of the size proposed by the applicant would be required to have two off-street parking spaces. However, the site is not subject to the parking requirement because a parking credit was given for the previous antiquarian book shop use. OP further recognized that there is no space on the site to provide parking. OP noted that the applicant's estimation of 17 employees is reasonable based on similar SP office conversions, and that because the site is well served by public transportation, that it expects that the parking demand for visitors and employees at the site would be minimal. OP concluded that if approved, the application will be consistent with the provisions of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations.

14. There was no report filed by Advisory Neighborhood Commission (ANC) 2B nor was there any representative present at the hearing.

15. Six letters of support were entered into the record by the immediately abutting property owners surrounding the subject site. The letters stated generally that the proposed SP office use of the building will be harmonious with other uses in the area and that the mixture of uses and architectural scale in the neighborhood enrich the quality of urban life.

16. A representative of the Residential Action Coalition (RAC) appeared at the hearing. She testified about the surrounding uses, suggested that office use of the site be limited, and stated that there should be numerous parking spaces associated with the proposed use. She also

testified that certain office uses, such as doctors' and dentists' offices would have more impact on the surrounding area in terms of traffic and parking demands. The Board concurs.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of the record, the Board concludes that the applicant is seeking a special exception to convert a vacant building formerly occupied as an antiquarian book museum and gallery into SP office use at 1310 19th Street, N.W., as offices for an international organization, nonprofit organization, labor union, architect, engineer, lawyer, or other similar professional persons. Under Paragraph 4101.44 of the Zoning Regulations, such use is permitted in an SP District if approved by the Board of Zoning Adjustment provided that the following requirements are met:

4101.44 The use, height, bulk and design are in harmony with existing uses and structures on neighboring property;

4101.442 The use will not create dangerous or other objectionable traffic conditions;

4101.443 The Board may require such special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it shall deem necessary to protect the value of neighboring property.

Further, the applicant must show that the grant of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.44. First, the applicant has demonstrated that the proposed special purpose office use of the building will be in harmony with existing uses on neighboring property. The predominant uses in the vicinity of 1310 19th Street are office uses, with a characteristic mix of uses found in other SP areas through the city.

Furthermore, the Board concludes that the height, bulk, and design of 1310 19th Street, N.W. will continue to be in harmony with neighboring properties. No changes are contemplated in the height, bulk or exterior design of the building in connection with the proposed use. The height of the building is in conformance with the applicable zoning standards. The FAR of the building is also in compliance with the applicable zoning standards.


The Board concludes that the use will not create any dangerous or other objectionable traffic conditions. The testimony indicates that the site is well served by public transportation. Numerous bus lines operate along 19th Street, and there is access to the Metro within less than one block. Furthermore, there are several commercial parking garages within a one block radius to serve the parking needs of the site, as well as a supply of on-street parking. The Board concludes that these parking garages, together with the excellent public transportation to the site, are adequate to serve the needs of the proposed SP office uses.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The proposed SP office use is consistent with the mixture of uses found in the 19th Street corridor in this area. There are a variety of building types and uses in the neighborhood, including other office uses, plus restaurants, institutional uses, retail uses and residential uses. The predominant use in the area is office use. The Board finds that no special treatment will be necessary in the way of design, screening of buildings, accessory uses, signs or other facilities. Accordingly, it is hereby ORDERED that this application is GRANTED, SUBJECT to the CONDITION that doctors or dentists offices may not be located at the site.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell, Carrie L. Thornhill to grant; John G. Parsons to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: DEC 12 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

13521order/LJPN